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July 8, 2003

VIA FACSIMILE

To: Examiner S. Sax
Group Art Unit No. 2174
U.S.P.T.O.

Facsimile No.: (703) 746-7239

From: Sean M. McGinn

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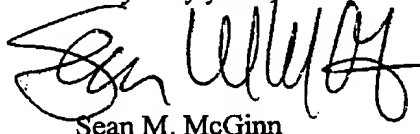
Re: Enclosed Executed Declaration
U.S. Patent Application Serial No. 09/257,208
Our Ref: ALM.008

Dear Examiner Sax:

Pursuant to our conversation today, enclosed is a copy of the Executed Declaration under 37 C.F.R. § 1.131 filed on April 28, 2003, along with a copy of the dated postcard.

Thank you in advance for your consideration on this case.

Very truly yours,



Sean M. McGinn

SMM/wdc
Enclosure
Total No. of Pages Transmitted: 7

CMH/lud
Attorney's Post Card Filing Receipt
Serial Number *09/257,208* Papers Filed On: *04/28/03*

Attorney's Docket Number: *Amg-98-083* ☒ Patent ☐ Trademark

Applicant's Name: *Dryer et al.* Application Filing Date: *02/28/99*
Papers Filed Herewith:

☐ Amendment ☐ Request for Extension of Time ☐ CPA Request
☐ *Not a Patent* ☐ Appeal Brief (in triplicate) ☐ Reply Brief
☐ IDS *APR 28 2003* ☐ 1449 Form w/ Documents ☐ Priority Document(s)
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
☐ Drawing Instructions ☐ Issue Fee Transmittal
☒ Other *Response under 37CFR 1.111 and Declaration*

Fees Filed Herewith: \$ ☐ Check ☐ Charge Deposit Account: _____

Hand Delivered

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Dryer et al.

Serial No.: 09/257,208

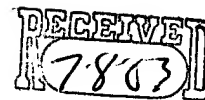
Group Art Unit: 2174

Filed: February 25, 1999

Examiner: Sax, S.

For: METHOD AND SYSTEM FOR REAL-TIME DETERMINATION OF A
SUBJECTS INTEREST LEVEL TO MEDIA CONTENT

Honorable Commissioner of Patents
Washington, D.C. 20231

**SUBMISSION OF EXECUTED RULE 131 DECLARATION**

Sir:

Further to the Response Under 37 C.F.R. § 1.111 filed on April 15, 2003, please consider the following in the above-identified application:

REMARKS

Applicant files herewith the executed Declaration under 37 C.F.R. § 1.131, thereby rendering moot the prior art rejection under 35 U.S.C. § 103(a) in which the Examiner asserts claims 1-61 of the present invention as unpatentable over Ball in view of Tognazzini. Specifically, the enclosed Declaration under 37 C.F.R. § 1.131 shows a completion of the invention in the U.S. before March 23, 1998 or alternatively a conception of the invention, prior to March 23, 1998, coupled with due diligence from just before March 23, 1998 to the filing date (i.e., the constructive reduction to practice) of the application on February 25, 1999.

In view of the foregoing, Applicant submits that claims 1-61, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

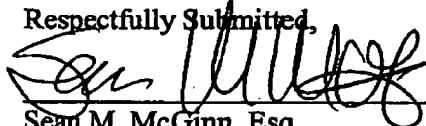
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

09/257,208
AM9-98-093

2

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,



Sean M. McGinn, Esq.

Reg. No. 34,386

Date: April 28, 2003
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